

9-43.000 MAIL FRAUD AND WIRE FRAUD

9-43.100	Prosecution Policy Relating to Mail Fraud and Wire Fraud
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9-43.100 Prosecution Policy Relating to Mail Fraud and Wire Fraud

Prosecutions of fraud ordinarily should not be undertaken if the scheme employed consists of some isolated transactions between individuals, involving minor loss to the victims, in which case the parties should be left to settle their differences by civil or criminal litigation in the state courts. Serious consideration, however, should be given to the prosecution of any scheme which in its nature is directed to defrauding a class of persons, or the general public, with a substantial pattern of conduct.

See also USAM 9-85.210 (requires prior consultation with the Public Integrity Section to use the mail or wire fraud statutes in the prosecution of election fraud cases).

Further guidance and legal analysis of issues surrounding the investigation and prosecution of frauds involving use of the mail or wire, in violation of Title 18, United States Code, Sections 1341 and 1343 can be found in the Criminal Resource Manual

Investigative Authority	Criminal Resource Manual at 939
18 U.S.C. Section 1341 -- Elements of Mail Fraud	Criminal Resource Manual at 940
18 U.S.C. 1343 -- Elements of Wire Fraud	Criminal Resource Manual at 941
The Scheme and Artifice to Defraud	Criminal Resource Manual at 942
No Loss or Gullible Victims	Criminal Resource Manual at 943
Proof of Scheme and Artifice to Defraud	Criminal Resource Manual at 944
McNally and Intangible Rights	Criminal Resource Manual at 945
Tangible Versus Intangible Property Rights	Criminal Resource Manual at 946
Fiduciary Duty	Criminal Resource Manual at 947
Intent to Defraud	Criminal Resource Manual at 948
Proof of Fraudulent Intent	Criminal Resource Manual at 949
Use of Mailings and Wires in Furtherance of the Execution of the Scheme	Criminal Resource Manual at 950
Proof of Mailings and Transmissions	Criminal Resource Manual at 951
Use of Private or Commercial Interstate Carriers	Criminal Resource Manual at 952
Use of a Wire Communication in Interstate or Foreign Commerce	Criminal Resource Manual at 953
Lulling Letters, Telegrams and Telephone Calls	Criminal Resource Manual at 954

Expanding Uses of the Mail and Wire Fraud Statutes in Prosecutions	Criminal Resource Manual at 955
RICO Prosecutions -- 18 U.S.C. §§ 1961-68	Criminal Resource Manual at 956
Money Laundering -- 18 U.S.C. §§ 1956 & 1957	Criminal Resource Manual at 957
Fraud Affecting a Financial Institution	Criminal Resource Manual at 958
Ten-year Statute of Limitations	Criminal Resource Manual at 959
More Severe Sanctions, Including Forfeiture	Criminal Resource Manual at 960
Civil Actions for Mail and Wire Frauds and Use of Grand Jury Information	Criminal Resource Manual at 961
Criminal Penalties for Disclosure of Grand Jury Subpoenas	Criminal Resource Manual at 962
Telemarketing Fraud	Criminal Resource Manual at 963
Credit Card Frauds	Criminal Resource Manual at 964
Conspiracy to Violate the Mail Fraud or Wire Fraud Statutes	Criminal Resource Manual at 965
Venue in Mail Fraud	Criminal Resource Manual at 966
Venue in Wire Fraud	Criminal Resource Manual at 967
Defenses -- Statute of Limitations	Criminal Resource Manual at 968
Defenses -- Good Faith	Criminal Resource Manual at 969
Drafting a Mail Fraud and/or Wire Fraud Indictment	Criminal Resource Manual at 970
Sufficiency of Indictment -- Generally	Criminal Resource Manual at 971
Sufficiency of Indictment -- Victims and Loss	Criminal Resource Manual at 972
Sufficiency of Indictment -- Mailings or Transmissions in Furtherance of Scheme	Criminal Resource Manual at 973
Sufficiency of Indictment -- Separate Offenses	Criminal Resource Manual at 974
Sufficiency of the Indictment -- Special Considerations	Criminal Resource Manual at 975

9-43.300 Statement of Policy concerning Venue in Mail Fraud Prosecutions

Department of Justice policy opposes mail fraud venue based solely on the mail matter passing through a jurisdiction. *See* the Criminal Resource Manual at 966 (mail fraud venue) and 967 (wire fraud venue).